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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,995	02/04/2004	Ta Sheng Huang	U 015020-3	3575
7590	01/25/2006		EXAMINER CHARLES, MARCUS	
Ladas & Parry 26 West 61st Street New York, NY 10023			ART UNIT	PAPER NUMBER
			3682	
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,995

Applicant(s)

HUANG, TA SHENG

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action relating to application serial number 10/771,995, filed 02-04-2004.

Claims 1-10 are currently pending.

Drawings

The examiner has accepted the drawing filed with this application as formal drawing.

Abstract

1. The abstract of the disclosure is objected to because the abstract is longer than 150 words. In addition the phrase "the invention is related to" is a phrase, which implies but does not directly refer to the invention. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

It is apparent that the disclosed invention is inoperative and therefore lacks utility. The invention as claimed does not support the laws of motion and thus is not operable. In order for the device to rotate eternally there must be an opposing force and a reactive force. It appears that each of the chain strands on both sides of the plate has equal lengths and thus one side cannot be heavier than the next. In addition, the three transmitting elements (the chains) are fixed at various intervals along their lengths, which means that the weight of the chain is balanced on both sides of the plate. In addition, there is not enough weight on one side of the plate to cause the chain to rotate so as to effectively drive the plate. In addition, it is not clear as to what triggers the stopping and starting of the system. Furthermore, there is no compensation for the weight of the chain at the bottom (lower section) chain. It should be noted that the actual resultant/suspended weight of the chain is that weight of the chain from the protrusion/points of contact between the chain and the wheel to the lowest section. This weight changes as the wheel rotates. Therefore, in order for the plate to rotate, the weight of the chain on the right strand must overcome the resultant/suspended weight of the chain. As stated above, there is not evidence that one strand is heavier than the other and thus it would not be obvious for the chain to rotate the wheel without any added force.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification provides any credible explanation as to how the weight of chains at the right side of the plate changes so the left side becomes lighter in order to allow for the plate to rotate. One of ordinary skill in the art at the time of the invention would not be able to understand how the load of the right strand becomes heavier than the load on the left strand of the chain so as to allow for the rotation of the plate.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, it is not clear what causes the difference in the weight of the right side of the plate in respect to the left strand of the chain, since it appears that each of the strands has the same amount chain. It should be noted that the configuration of the left and right strands are different during operation but the same amount of chain exist for both strands. In addition, it appears that one strand must be substantially heavier than the other for there to be any motion in the plate. It should also be noted that as gravity pushes down on the right strand, gravity also pushes down on the left strand to balance the forces. Therefore gravity have no direct effect on the force

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to rotate the wheel. For gravity to have any effect, one strand must be substantially heavy than the other so as to overcome weight and friction.

In addition, the intended scope of claim 2, is unclear and confusing because claim 1 recites the chain assembly having first, second and third elements and claim 2 further recites the transmitting having first, second and third chains. Therefore it is unclear if the chains and the transmitting elements are the same or different.

Request

7. The examiner is requesting that applicant provide more information and evidence as to how the system works so as to better understand the effective operation of the device as claimed.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. FR (2782346) discloses a perpetual liquid chain drive assembly. JP (04-27771) and Gentile (3,945,755) disclose a perpetual chain drive using gravity. JP (62-70671) discloses a perpetual chain drive. Bradshaw (1,483,505), Grondahl (2,104,984), Giraudat (33,139) disclose a continuous drive. JP (04-334688) discloses a weight position chain device. Jones discloses a weight drive generating apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
January 20 2006